

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LISA CONLEY

Plaintiff,

v.

ORDER  
08-CV-820

UNITED STATES OF AMERICA  
Defendant.

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This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). On April 29, 2010, defendant filed a motion for summary judgment. On September 2, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant United States' motion for summary judgment dismissing the complaint against it be granted in part (dismissing plaintiff's claim of serious injury under the 90/180-day category), and denied in part (regarding significant limitation).

Defendant filed objections to the Report and Recommendation on September 16, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant United States' motion for summary judgment dismissing the complaint against it is granted in part (dismissing plaintiff's claim of serious injury under the 90/180-day category), and denied in part (regarding significant limitation).

The parties shall appear on April 14, 2011 at 9:00 AM for a meeting to set trial date.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: March 28, 2011